

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

In Re Application of: )  
CARLOS VITERI, ) NO. 08 - CV - 50031  
Petitioner, )  
vs. ) Judge Frederick J. Kapala  
GABRIELLA MARIA PFLUCKER, )  
Respondent. )

**AGREED MOTION TO CONTINUE EVIDENTIARY HEARING**

THE PARTIES, through their undersigned counsels, respectfully move this Honorable Court for a continuance of the evidentiary hearing on this matter. As grounds for this motion, undersigned counsels state:

1. On Friday, March 21, 2008, this matter was set for an evidentiary hearing on Wednesday, April 30, 2008, to determine whether Valeria Viteri was wrongfully removed from Peru by her Mother, Respondent Gabriella Pflucker.
2. The Parties have been negotiating the terms of a settlement agreement which would dispose of this matter without the need for continued litigation.
3. Part of the terms of said potential settlement include the expenditure of funds to pay a mental health professional to evaluate the Respondent's fitness as a parent. The Respondent is willing to bear the costs of such an evaluation in place of, but not in addition to, the costs of additional ongoing litigation.

4. The Parties believe the April 30, 2008, hearing be most beneficial as a settlement / final pre-trial conference.

WHEREFORE, for the foregoing reasons, and for any other reasons this Court may deem just and proper, the Parities, through counsel, respectfully request that this Motion be granted and that this Court continue the evidentiary hearing and hold a settlement / final pre-trial conference on Wednesday, April 30, 2008, at 9:00 a.m.

Respectfully Submitted:

Carlos Viteri, Petitioner

Gabriella Pflucker, Respondent

By: /S  
Rosa M. Tumialan  
Attorney for the Petitioner

/S  
Robert M. Fagan  
Attorney for the Respondent

Prepared by:

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**CERTIFICATE OF FILING AND SERVICE**

I, Robert M. Fagan, certify that on April 23, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

**Agreed Motion To Continue Evidentiary Hearing**

was served pursuant to the district court's ECF system as to ECF filers, including Rosa M. Tumialan, and was delivered to the following non-ECF filers by United States Mail:

Hon. Frederick J. Kapala, Judge  
United States District Court  
Northern District of Illinois  
211 South Court Street  
Rockford, Illinois 61101

/S  
ROBERT M. FAGAN  
Attorney for the Respondent